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|--|---|---|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |   | ATTORNEY'S DOCKET NUMBER<br><b>OBK-001.02</b><br><b>10/541808</b> |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/US05/000999</b>  | INTERNATIONAL FILING DATE<br><b>Jan. 13, 2005</b> | PRIORITY DATE CLAIMED<br><b>Jan. 13, 2004</b>                     |
| TITLE OF INVENTION<br><b>DRUG DELIVERY TO A JOINT</b>  |   |   |
| APPLICANT(S) FOR DO/EO/US<br><b>ROBERT N. HOTCHKISS AND JOHN A. KOSKI</b>  |   |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |   |   |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |   |   |
| Items 11 to 20 below concern document(s) or information included:  |   |   |
| <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>  |   |   |

JC20 Rec'd PCT/PTO 08 JUL 2009

PTO-1390 (Rev. 07-2005)  
Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |              |   |         |   |              |
|---|--------------|---|---------|---|--------------|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/541808</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/US05/000999</b>                       |         | ATTORNEY'S DOCKET NUMBER<br><b>OBK-001.02</b> |              |
| 20. Other items or information:<br><b>Request for Advancement of Examination Out of Turn<br/>Abstract, Postcard,<br/>Certificate of Express mailing Under 37 CFR 1.10</b>   |              |   |         |   |              |
| The following fees have been submitted  |              |   |         | CALCULATIONS                                  | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300   |              |   |         | \$ 300  |              |
| 22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))   |              |   |         |   |              |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0   |              |   |         | \$ 0  |              |
| All other situations..... \$200   |              |   |         |   |              |
| 23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))  |              |   |         |   |              |
| If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0  |              |   |         | \$ 0  |              |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100  |              |   |         |   |              |
| International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400   |              |   |         |   |              |
| All other situations..... \$500   |              |   |         |   |              |
| <b>TOTAL OF 21, 22 and 23 =</b>   |              |   |         | <b>300</b>                                    |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |   |         |   |              |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE    |   |              |
| - 100 =   | /50 =        |   | x \$250 | \$  |              |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).   |              |   |         | \$  |              |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE    | \$  |              |
| Total claims  | 20 - 20 =    | 0   | x \$ 50 | \$  |              |
| Independent claims  | 3 - 3 =      | 0   | x \$200 | \$  |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360 | \$  |              |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |         | <b>\$</b>                                     |              |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.   |              |   |         | 150   |              |
| <b>SUBTOTAL =</b>   |              |   |         | <b>\$ 150</b>                                 |              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |              |   |         | \$  |              |
|   |              |   |         | +   |              |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |         | <b>\$ 150</b>                                 |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |         | \$  |              |
|   |              |   |         | +   |              |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |         | <b>\$ 150</b>                                 |              |
|   |              |   |         | Amount to be refunded:                        | \$           |
|   |              |   |         | Amount to be charged                          | \$           |

10/541808

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P.T.O. 1390 (REV. 07-2005)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 06-1448 in the amount of \$ 150 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1448. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

Scott E. Kamholz

NAME

48,543

REGISTRATION NUMBER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Hotchkiss et al.

Application No: 371 of PCT/US05/000999

Filed: January 13, 2005

For: DRUG DELIVERY TO A JOINT

Art Unit: TBD

Confirmation No.: TBD

Examiner: Not yet assigned

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR ADVANCEMENT OF EXAMINATION OUT OF TURN**

Sir:

Applicants respectfully ask that examination of the present application be advanced out of turn pursuant to 37 C.F.R. § 1.496(b), M.P.E.P. § 708, and M.P.E.P. § 1893.03. Applicants have paid the search fee set forth in 37 C.F.R. § 1.492(b)(1) and the examination fee set forth in 37 C.F.R. § 1.492(c)(1). The application has not been amended in any way. Moreover, the Written Opinion of the ISA/US indicates all claims satisfy the provisions of PCT Articles 33(1)-(4).

Respectfully submitted,



Date: July 8, 2005  
**Customer No: 25181**  
Patent Group  
Foley Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

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10/541808

PATENTS

Attorney Docket No. OBK-001.02

JC20 Rec'd PCT/PTO 08 JUL 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Hotchkiss et al.

July 8, 2005

For: DRUG DELIVERY TO A JOINT

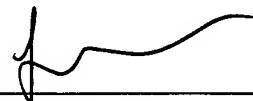
**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

I hereby certify that the following papers:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 USC 371 (in duplicate) (6 pages)
- Executed Declaration and Power of Attorney (4 pages)
- Application Data Sheet (2 pages)
- Information-Disclosure Statement (1 pages), Form 1449 ( 3 pages) and copies of cited references, BR - BW
- Request for Advancement of Examination Out of Turn ( 1 page)
- Abstract (1 page)
- Return Receipt Postcard

are being deposited with the United States Postal Service on July 8, 2005, with sufficient postage as Express Mail, Express Mail No EV 479561907 US, in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.



Todd Williams